

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT

for the

Northern District of California

Dec 10 2021

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

United States of America)

v.)

CHRISTOPHER WAGNER)

Case No. CR21-71960 MAG)

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 29, 2021 in the county of Sonoma in the
Northern District of California, the defendant(s) violated:*Code Section*18 U.S.C. § 2252(a)(4)(B) and (b)
(2)*Offense Description*Possession of Child Pornography
Max Penalties: Imprisonment of 20 years; \$250,000 max fine; SR: lifetime;
assessment of not more than \$17,000, annually adjusted; \$100 special
assessment; restitution.

This criminal complaint is based on these facts:

Please see attached affidavit of FBI Special Agent Michael P. Nicholas.

☒ Continued on the attached sheet.Approved as to form /s/ Kenneth Chambers
AUSA KENNETH CHAMBERS/s/ Michael P. Nicholas*Complainant's signature*Michael P. Nicholas, Special Agent of the FBI*Printed name and title*

Sworn to before me by telephone.

Date: 12/09/2021City and state: San Francisco, California*Judge's signature*Hon. Joseph C. Spero, Chief U.S. Magistrate Judge*Printed name and title*

Print

Save As...

Attach

Reset

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT

I, Michael Nicholas, a Special Agent with the Federal Bureau of Investigation being duly sworn, depose and state as follows:

INTRODUCTION

1. Based on my training and experience, and the facts set forth in this affidavit, there is probable cause to believe that Christopher WAGNER has violated 18 U.S.C. § 2252(a)(4)(B) (possession of child pornography).

2. Because this Affidavit is being submitted for the limited purpose of obtaining a criminal complaint, I have not included each and every fact known to me that supports probable cause for arrest. Instead, I have set forth only the facts that I believe are necessary to support the lawful arrest of the individual listed in this Affidavit.

AFFIANT BACKGROUND

3. I have been employed as a Special Agent with the Federal Bureau of Investigation (FBI) since January 2016. I am currently assigned to the San Francisco Field Office, to a squad that investigates crimes against children.

4. I received approximately 20 weeks of training at the FBI Academy in Quantico, Virginia. During that time, I received training on various things including evidence collection, interviewing, legal procedure and process, source management, investigative technology, firearms and tactical training, and defensive tactics. I am currently assigned to the Violent Crimes Against Children squad of the FBI's San Francisco Field Division. I am responsible for investigating, among other things, violations concerning human trafficking, child exploitation, and child pornography (aka child sexual abuse material, or CSAM), including the production, distribution, receipt, and possession of child pornography. I have received on-the-job training in the area of child pornography and child exploitation, and have had the opportunity to observe

and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in multiple forms of media, including computer media. I have participated in the execution of numerous federal search warrants conducted by the FBI and in the seizure of computer systems and other types of digital evidence. Before my current assignment, I worked in the Counterintelligence Division of the FBI's New York Division for approximately one year and nine months. My responsibilities included identifying and investigating national security threats from foreign intelligence services in the United States

5. Through my training and experience, I have become familiar with the methods used by people who commit offenses involving the sexual exploitation of children. My training and experience have given me an understanding of how people who commit offenses relating to the sexual exploitation of minors including the receipt, distribution, and production of child pornography, use the Internet, computers, and cellular devices to facilitate and commit those offenses.

6. I am an "investigative or law enforcement officer" of the United States within the meaning of 18 U.S.C. § 2510(7). I am empowered by law to conduct investigations, to execute search warrants, and to make arrests for, violations of federal criminal law, including for the 18 U.S.C. §§ 2252 and 2252A, and other offenses relating to child pornography.

RELEVANT STATUTES

7. Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2) prohibit any person from knowingly possessing or accessing with the intent to view, or attempting or conspiring to possess or access with the intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if the

production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

BACKGROUND OF THE INVESTIGATION AND PROBABLE CAUSE

8. The instant investigation began when law enforcement detected suspicious activity originating from IP address 71.198.29.150 on an Internet-based, peer-to-peer (P2P) network that allows users to anonymously share files, chat on message boards, and access websites within the network. Law enforcement agents have been investigating child pornography trafficking by Internet-based, peer-to-peer (P2P) network users since at least 2011.

9. In sum, an FBI Agent reviewed and analyzed information obtained and logged by law enforcement Internet-based, peer-to-peer (P2P) network computers related to IP address 71.198.29.150. Such information showed that between May and June 2021, the user of that IP address had requested pieces of at least three child pornography videos:

- a. On or around Saturday, May 29, 2021 at 1:12 PM UTC and 4:06 PM UTC, the user of IP address 71.198.29.150 requested the file “BROTHER LATIN LOVE CHARTER THREE KIDSUTRA.mp4”. I have reviewed this file, and it is comprised of multiple segments depicting a nude adult male’s erect penis anally penetrating a nude minor male.
- b. On or around Saturday, June 26, 2021 at 3:41 AM UTC and 5:14 AM UTC, the user of IP address 71.198.29.150 requested the file “[Asian] 2 men 1 boy bedroom HQ.mp4”. I have reviewed this file which depicts two nude adult males anally penetrating a nude minor male.
- c. On or around Saturday, June 26, 2021 at 3:55 AM UTC and 4:44 AM UTC, the user of IP address 71.198.29.150 requested the file “Christian-San-Javier-13yo-Boy-Rides-Dicks-Of-Dad-On-Bed-Deep-Anal-Fucked-3Ways-Hq-RealSound.avi.” I have reviewed this file, and it depicts a minor male wearing a t-shirt and no pants or underwear straddling a nude adult male, whose erect penis is inserted into the boy’s anus.

10. Using publicly available search tools, law enforcement determined that Internet Service Provider (“ISP”) Comcast Cable Communications controlled IP address 71.198.29.150.

11. On or about September 2, 2021, a subpoena was served on Comcast Cable Communications requesting subscriber information relating to the use of IP address 71.198.29.150 accessed on 2021-05-29 at 13:12:18 UTC; 2021-05-29 at 16:06:52 UTC; 2021-06-26 at 03:41:37 UTC; 2021-06-26 at 05:14:43 UTC; 2021-06-26 at 03:55:00 UTC; and 2021-06-26 at 04:44:24 UTC. On or about September 22, 2021, Comcast reported the following account holder and address:

Subscriber name: Christopher Wagner
Service Address: 1****¹ Waterbrook Court, Santa Rosa, CA 95401-4972
Billing Address: 1006 Waterbrook Court, Santa Rosa, CA 95401-4972
Telephone #: 707-974-76**²
Type of Service: High Speed Internet Service
Account Number: 8155300342520988
Start of Service: 06-22-2019
Account Status: Active
IP Assignment: Dynamically Assigned
E-mail User Ids: chriswagner1980 (the above user ID(s) end in @comcast.net)

12. A check of publicly available databases and Accurant information database (a public records database that provides names, dates of birth, addresses, associates, telephone numbers, email addresses, etc.) yielded that CHRISTOPHER JAMES WAGNER is currently associated with the residence located on Waterbrook Court in Santa Rosa, California. Another adult male was also associated with the same address.

¹ I know the full address but have anonymized it here in anticipation that this will become a public document.

² I know the full telephone number but have anonymized it here in anticipation that this will become a public document.

13. A check with the California Employment and Development Department on or about November 3, 2021 revealed that WAGNER resides at the above residence.

14. On or about November 30, 2021 the FBI obtained a federal search warrant for the residence located on Waterbrook Court in Santa Rosa, California. (Case no. 3-21-mj-71909).

15. On December 9, 2021, the FBI and Santa Rosa Police Department officers executed the federal warrant. During the course of the search, agents located a computer, the “User Name” of which was Christopher Wagner. In a folder named waggie/Test1024 were multiple files depicting child sexual abuse material.

16. On this computer, I viewed an mp4 file entitled “Baby dental care”, a video approximately 3 minutes in length, in which a green toothbrush is inserted into the vagina of a nude baby, and then a cylindrical purple object is inserted into the baby’s vagina and then into its mouth. Written on a sign behind the baby are the words “Puffy Pudenda Hoarders Hell.”

17. I viewed another video, from the same computer, titled IMG_8104.mov in which an adult male masturbates and ejaculates onto a nude minor male.

18. Additionally, an FBI agent observed, on this same computer, three files titled “BROTHER LATIN LOVE CHARTER THREE KIDSUTRA.mp4,” “[Asian] 2 men 1 boy bedroom HQ.mp4,” and “Christian-San-Javier-13yo-Boy-Rides-Dicks-Of-Dad-On-Bed-Deep-Anal-Fucked-3Ways-Hq-RealSound.avi.” These files are the exact same file names as the files described above, in paragraph 9; *i.e.*, these appear to be the files that WAGNER downloaded from the Internet-based, peer-to-peer (P2P) network in May and June 2021.

//

//

CONCLUSION

19. Based on the foregoing facts, I believe there is probable cause that Christopher WAGNER knowingly possessed sexually explicit images of child pornography, in violation of 18 U.S.C. 2252(a)(4)(B) and (b)(2).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

s/

Michael P. Nicholas
Special Agent
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me this 9th day of December 2021.



HONORABLE JOSEPH C. SPERO
Chief United States Magistrate Judge